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4. *WILLS—Debts charged on real estate—Equitable liens—Limitation of actions.* Where a testator by his will charges his real estate with the payment of his debts an equitable lien is created in favor of the creditors on his lands, in the hands of his devisees, to which there is no bar unless the debts are barred as against the estate of the testator.

5. *RES JUDICATA—Decrees—Collateral attack—Limitation of actions.* A decree in favor of legatees against an executor and his sureties, in a proper suit for that purpose, is conclusive as to the amount decreed, and also that the claim of the legatees is not barred by the statute of limitations. Such a decree so long as it remains unreversed, is binding on all of the parties to the suit in which it was rendered, and cannot be collaterally assailed.

6. *EQUITY—Creditor's bill—Decree for account* A suit brought by a single creditor to establish a debt against a decedent's estate becomes a creditor's suit by the entry therein of a decree for an account of debts against the decedent's estate, and the statute of limitations ceases to run from the date of the decree against all creditors of the decedent who come in under the decree.

WICK V. SCULL.—Decided at Richmond, January 14, 1904.—*Keith, P: Absent, Buchanan, J.*

1. *JUDGMENTS—Docketing—Notice—City carved out of county.* Docketing a judgment in the clerk's office of the county court of a county out of which a city is subsequently carved is not constructive notice of such judgment to a purchaser for value and without notice from the judgment debtor of land acquired by the latter several years after the incorporation of the city.

2. *EQUITY—Quieting title—Undocketed judgments.* A judgment, though not docketed in the county or corporation in which land lies, constitutes a cloud on the title of a purchaser for value and without notice of such land from the judgment debtor which he may file a bill to remove, as the fact of notice of the existence of the judgment may still be established by extrinsic evidence, and as long as such an issue can be made the judgment constitutes a cloud upon the title of the purchaser and depreciates its value.

WHITE HALL COMPANY V. HALL AND OTHERS.—Decided at Richmond, January 14, 1904. *Harrison, J. Absent, Buchanan, J.*

1. *CORPORATIONS—Admissions of general manager—Case in judgment.* The evidence in this cause, including the recent admissions in writing of the general manager, secretary and treasurer of the appellant company, shows that the appellant is not entitled to credit for the set-off asserted in this cause.

2. *CORPORATIONS—Admissions of officers and agents.* A corporation can only speak through its officers and agents, and their declarations, admis-

sions and representations made in the course of their employment and relating to the immediate transactions in which they are engaged, are always competent against the corporation.

3. APPEAL AND ERROR—*Commissioner's report—Conflicting evidence.* Where the evidence is conflicting, the findings of a commissioner in chancery which have been approved by the trial judge, will not be disturbed by this court.

FIDELITY & DEPOSIT COMPANY V. BEALE JUDGE.—Decided at Richmond, January 14, 1904.—*Keith, P.* Absent, *Buchanan, J.*

1. PROHIBITION—*Office of.* The office of the writ of prohibition is not to correct error, but to prevent an excess of jurisdiction by the court or judge to whom it is directed. If the court or judge has jurisdiction to enter any decree at all in the proceeding sought to be prohibited the writ does not lie.

2. COUNTY OFFICERS—*Proceedings against deputies—Jurisdiction of county court—Indemnity bonds.* Under the provisions of sections 910 and 912 of the Code allowing sheriffs, sergeants and other officers to proceed in the county courts by motion, after notice, against their deputies and their sureties for any default or misconduct in the office of such deputies for which their principals are liable, and to recover the full amount for which such principals are liable by reason of such default or misconduct, a county treasurer, who has taken from his deputy a bond with surety conditioned to indemnify the treasurer from acts of larceny and embezzlement on the part of the deputy, may proceed by motion in the county court against such deputy and his surety for a judgment for taxes for which the deputy has failed to account, although the amount involved exceeds one hundred dollars, and the liability of the deputy and his surety be not coextensive.